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**Cc:** [Smith, Deborah@Waterboards](mailto:Smith.Deborah@Waterboards)  
**Subject:** Revised TSO and fact sheet language  
**Date:** Tuesday, March 24, 2015 6:05:08 PM  
**Attachments:** [San Jose Revision to Fact Sheet \(3-24-15\).docx](#)  
[San Jose Revision to Fact Sheet \(3-24-15\).pdf](#)  
[Template TSO Revised draft \(3-24-15\).docx](#)  
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Phil, Ann, and Dave,

Thanks for participating in the call yesterday to discuss draft fact sheet and TSO language that was crafted per Board direction to try to address compliance concerns during accelerated monitoring and the TIE process in a way that would be acceptable to the Board.

Phil and Ann - we listened carefully to your concerns and have made changes to address each of your concerns: (1) to make the fact sheet more clear about the intention of Board staff to consider and issue the first TSO, (2) to include a clear statement in the Resolved Section of the TSO about enforcement not being pursued if the conditions of the TSO are met, and (3) revising Resolved (#2) to the 50% mortality endpoint. We remain a bit concerned about (3) being the sole indicator of a significant problem in the river and have added #3: "The effluent shall not cause an actual fish kill in the river".

Dave - please review these changes to see if your agency is OK with these and let us know if you have concerns or comments.

We would appreciate any comments on these by noon tomorrow. This latest language is subject to final review from our management and legal team, but we wanted to send this proposal to you as soon as possible. Phil and Ann - If there is still no interest in commenting on, and pursuing, this TSO, please let us know as well.

We look forward to hearing from you. Thanks.

*Cris Morris, PE, PMP*

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